

5 What is claimed is:

38. A transgenic, mouse comprising a panel of expression cassettes, said panel comprising

10 a first expression cassette comprising a first control element derived from a first stress-inducible gene, said control element operably linked to sequences encoding a first light generating polypeptide, and

B¹ a second expression cassette comprising a second control element derived from a second stress-inducible gene, said second control element operably linked to sequences encoding a second light generating polypeptide,

15 wherein said expression cassettes have been introduced into said transgenic mouse or an ancestor of said transgenic mouse, at an embryonic stage.

40. A method of determining the effect of an analyte on gene expression mediated by control elements derived from stress-inducible genes, wherein said

20 expression is in a living transgenic mouse, said method comprising

administering the analyte to a living transgenic mouse of claim 38, wherein administering of said analyte is carried out under conditions that permit light generation mediated by said light generating polypeptide in the transgenic mouse,

B² determining the effect of the analyte on expression of the light generating

25 polypeptide in a living transgenic mouse wherein said expression is mediated by at least one of the control elements.

41. The method of claim 40, wherein said conditions that permit light generation mediated by the light generating polypeptide includes administering, to the transgenic

30 mouse, at least one substrate for the light generating polypeptide.

B³ 43. The method of claim 40, wherein the expression cassettes of said transgenic mouse comprise control elements derived from stress-inducible genes, and said analyte is screened for its affect on expression of stress-inducible genes.

5 45. A noninvasive method for detecting a level of expression in response to an
analyte, wherein said expression is (i) mediated by control elements derived from stress-
inducible genes, and (ii) in a living transgenic mouse, said method comprising

10 (a) administering the analyte to a living transgenic mouse of claim 38, wherein
administering of said analyte is carried out under conditions that permit light generation
mediated by said light generating polypeptide,

 (b) placing the transgenic mouse within a detection field of a photo detector
device,

 (c) maintaining the transgenic mouse in the detection field of the device, and

15 (d) during said maintaining, measuring photon emission from the transgenic
mouse with the photo detector device to detect the level of expression of the light
generating polypeptide in the living transgenic mouse wherein said expression is
mediated by at least one of the control elements.

 46. The method of claim 45, further comprising,

20 (e) repeating steps (b) through (d) at selected intervals, wherein said repeating is effective
to detect changes in the level of the light emission in the transgenic mouse over time.

 49. A method of providing a transgenic, mouse suitable for screening a selected
analyte, comprising

25 generating a transgenic mouse of claim 38, and

 providing said transgenic mouse or progeny thereof for use in screening a selected
analyte.

 65. The transgenic mouse of claim 38, said panel further comprising

30 a third expression cassette comprising a control element derived from a third
stress-inducible gene, said third control element operably linked to sequences encoding a
third light generating polypeptide.

5 66. The transgenic mouse of claim 65, wherein (i) said first, second, and third
control elements are each derived from a different gene, and (ii) said first, second, and
third light generating polypeptides produce the same color of light.

10 67. The transgenic mouse of claim 65, wherein (i) said first, second, and third
control elements are each derived from a different gene, and (ii) at least two of said first,
second, and third light generating polypeptides produce different colors of light.

15 68. The transgenic mouse of claim 65, said panel further comprising additional
expression cassettes, wherein each expression cassette comprises a control element
derived from a different stress-inducible gene, said control element operably linked to
sequences encoding a light generating polypeptide.

2. A clean copy of the claims corresponding to the claims after the amendments of this paper are entered (Appendix B);
3. A modified form 1449 and a copy of the cited reference (Appendix C);
4. A two-month petition for extension of time;
5. A check.

AMENDMENT

In the Claims:

Please cancel claims 39, 42, 44, 47, 48, 50, and 69-79, without prejudice or disclaimer. Please amend claims 38, 40, 41, 43, 45, 46, 49, and 65-68, without prejudice or disclaimer, as follows:

38. (Amended) A transgenic, [non-human animal] mouse comprising a panel of expression cassettes, said panel comprising

a first expression cassette comprising a first control element derived from a first stress-inducible gene, said control element [operable] operably linked to sequences encoding a first light generating polypeptide, and

a second expression cassette comprising a second control element derived from a second stress-inducible gene, said second control element [operable] operably linked to sequences encoding a second light generating polypeptide,

wherein said expression cassettes have been introduced into said [animal] transgenic mouse or an ancestor of said [animal] transgenic mouse, at an embryonic stage.

40. (Amended) A method of determining the effect of an analyte on gene expression mediated by [selected] control elements derived from stress-inducible genes, wherein said expression is in a [non-human] living [animal] transgenic mouse, said method comprising

administering the analyte to a living transgenic [non-human animal] mouse of claim 38, wherein administering of said analyte is carried out under conditions that permit light generation mediated by said light generating polypeptide in the transgenic [animal] mouse,

determining the effect of the analyte on expression of the light generating polypeptide in a living [animal] transgenic mouse wherein said expression is mediated by at least one of the control elements.

41. (Amended) The method of claim 40, wherein said conditions that permit light generation mediated by the light generating polypeptide includes administering, to the [animal] transgenic mouse, at least one substrate for the light generating polypeptide.

43. (Amended) The method of claim 40, wherein the expression cassettes of said transgenic [animal] mouse comprise control elements derived from stress-inducible genes, and said analyte is screened for its affect on expression of stress-inducible genes.

45. (Amended) A noninvasive method for detecting a level of expression in response to an analyte, wherein said expression is (i) mediated by [selected] control elements derived from stress-inducible genes, and (ii) in a [non-human] living [animal] transgenic mouse, said method comprising

(a) administering the analyte to a living transgenic [non-human animal] mouse of claim 38, wherein administering of said analyte is carried out under conditions that permit light generation mediated by said light generating polypeptide,

(b) placing the [animal] transgenic mouse within a detection field of a photo detector device,

(c) maintaining the [animal] transgenic mouse in the detection field of the device, and

(d) during said maintaining, measuring photon emission from the [animal] transgenic mouse with the photo detector device to detect the level of expression of the light generating polypeptide in the living [animal] transgenic mouse wherein said expression is mediated by at least one of the control elements.

46. (Amended) The method of claim 45, further comprising,

(e) repeating steps (b) through (d) at selected intervals, wherein said repeating is effective to detect changes in the level of the light emission in the [animal] transgenic mouse over time.

49. (Amended) A method of providing a transgenic, [non-human animal] mouse suitable for screening a selected analyte, comprising
generating a transgenic [animal] mouse of claim 38, and
providing said transgenic [animal] mouse or progeny thereof for use in screening a selected analyte.

65. (Amended) The transgenic [animal] mouse of claim 38, said panel further comprising
a third expression cassette comprising a control element derived from a third stress-inducible gene, said third control element [operable] operably linked to sequences encoding a third light generating polypeptide.

66. (Amended) The transgenic [animal] mouse of claim 65, wherein (i) said first, second, and third control elements are each derived from a different gene, and (ii) said first, second, and third light generating polypeptides produce the same color of light.

67. (Amended) The transgenic [animal] mouse of claim 65, wherein (i) said first, second, and third control elements are each derived from a different gene, and (ii) at least two of said first, second, and third light generating polypeptides produce different colors of light.

68. (Amended) The transgenic [animal] mouse of claim 65, said panel further comprising additional expression cassettes, wherein each expression cassette comprises a control element derived from a different stress-inducible gene, said control element [operable] operably linked to sequences encoding a light generating polypeptide.